

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

In Re:

LLS AMERICA, LLC,

Debtor,

BRUCE P. KRIEGMAN, solely in his  
capacity as court-appointed Chapter 11  
Trustee for LLS America, LLC,

Plaintiff,

v.

0817726 BC, LTD, et al.,

Defendants.

NO: CV-12-483-RMP

Bankr. Case No. 09-06194-PCW11

Adv. Proc. No. 11-80297

DEFAULT JUDGMENT

THIS MATTER came on consideration upon the Motion of Plaintiff for Entry of Default and Judgment against Defendant Heino Beens, and it appearing from the file and records of this Court in this cause that the default judgment (Bkey. Dkt. No. 155) entered by the Bankruptcy Court should be deemed proposed findings of fact and conclusions of law, and that entering final default judgment in

1 conformity with the default judgment entered by the Bankruptcy Court is  
2 appropriate,

3 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the  
4 Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11  
5 Trustee for LLS America, LLC, shall have a judgment against the Defendant  
6 Heino Beens, as follows:

7 1. Monetary Judgment in the amount of CAD \$51,276.77, pursuant to 11  
8 U.S.C. § 550 and RCW 19.40.071;

9 2. Transfers in the amount of CAD \$25,266.83 made to the Defendant Heino  
10 Beens within four years prior to the Petition Filing Date are hereby avoided and  
11 Plaintiff may take all necessary action to preserve the same, pursuant to 11 U.S.C.  
12 §§ 544, 550, 551 and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW  
13 19.40.071;

14 3. Transfers in the amount of CAD \$26,009.94 made to Defendant Heino  
15 Beens more than four years prior to the Petition Filing Date are hereby avoided and  
16 Plaintiff may take all necessary action to preserve the same, pursuant to 11 U.S.C.  
17 §§ 544, 550 and 551 and RCW 19.40.041(1) and 19.40.071;

18 4. All said transfers to Defendant Heino Beens are hereby set aside and  
19 Plaintiff shall be entitled to recover the same, or the value thereof, from  
20

1 Defendants for the benefit of the estate of LLS America, pursuant to 11 U.S.C. §§  
2 544, 550 and 551;

3 5. A constructive trust is hereby established over the proceeds of all transfers  
4 in favor of the Trustee for the benefit of the estate of LLS America; and

5 6. Plaintiff is hereby awarded costs (i.e. filing fees) in the amount of \$250.00  
6 USD, for a total judgment of CAD \$51,276.77, plus \$250.00 USD, which shall  
7 bear interest equal to the weekly average of one-year constant maturity (nominal)  
8 treasury yield as published by the Federal Reserve System.

9 The District Court Clerk is directed to enter this Order, enter judgment as  
10 outlined above, and provide copies to counsel.

11 DATED this 1st day of November 2012.

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14 s/ Rosanna Malouf Peterson  
15 ROSANNA MALOUF PETERSON  
16 Chief United States District Court Judge  
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